

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1, 5-8 and 12 are now pending. Claims 2, 9-11, 16-24 and 26-36 have been canceled by way of this amendment, while claims 3, 4, 13-15, 25 and 37-42 have been previously canceled.

By Final Office Action mailed June 21, 2006, prosecution on the merits of this application has been closed. Pursuant to 37 C.F.R. §1.116 (Rule 116), amendments at this stage of prosecution may only be made canceling claims and/or complying with any requirements of form having been expressly identified by the Examiner. To that end, Applicants submit this Rule 116 Amendment to amend the claims in this permitted manner.

Restriction Requirement

Claims 14-24 and 26-36 have previously been withdrawn from consideration by the Examiner as directed to non-elected subject matter. These claims have now been canceled. Applicants do, however, reserve the right to continue prosecution of the canceled subject matter in one or more related applications.

Rejection of Claims 1, 2 and 5-12 Under 35 U.S.C. §112, Second Paragraph

The only outstanding rejection applied to the pending claims is under the second paragraph of §112; namely, that the phrases “an amino acid side chain derivative, a linker and a solid support” are indefinite. While Applicants strenuously disagree with this rejection, Applicants have amended the claims in order to expedite issuance of a particular embodiment.

In this regard, Applicants wish to thank the Examiner for the courtesy extended to discuss this application by telephone. During such discussions, the Examiner indicated that claim 1 would be allowable if the objected phrases were deleted, and the text of claim 2 incorporated into claim 1. Applicants have now amended claim 1 in this manner, and canceled claim 2 to avoid duplicative claim language.

More recently, the Examiner also indicated that he would permit the listing of additional "R" groups, particularly the groups: C₁₋₁₂alkyl, C₆₋₁₂aryl and C₇₋₁₂arylalkyl. Support for these moieties may be found in the specification as originally filed at page 18, lines 21-22, and their inclusion in claim 1 does not constitute addition of new matter.

Lastly, Applicants have canceled claims 9-11, re-drafted claim 6 as an independent claim, and amended claim 12 to depend from both claim 1 and claim 6.

By way of the above amendments, all pending claims (*i.e.*, claims 1, 5-8 and 12) are in condition for allowance.

Additional Claim Amendments

In addition to the above, Applicants have also made a number of clarifying amendments to the pending claims. For Example, structure (I) of claim 1 recited G as -(XR₇)- and X as nitrogen. Thus, the actual moiety at this position is -N(R₇)-. Thus, for sake of clarity only, Applicants have amended structure (I) by replacing the "G" group with "-N(R₇)-". This same type of amendment was made to claim 5.

Claims 6-8 have also been amended by deletion of the phrase "wherein the one or more substituents are" as duplicative language, and by the correction of some minor typographical errors.

Lastly, Applicants have amended claims 1 and 6-8 by inclusion of several paragraph breaks to better separate the individual moieties being claimed. Such amendments have been made merely to render the claims easier to read.

Conclusion

In view of the above amendments and remarks, Applicants submit that claims 1, 5-8 and 12 are in condition for allowance. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Respectfully submitted,
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